

RULE

Department of Health and Hospitals Office of Public Health

Sanitary Code—Lead Poisoning Control (Chapter IV)

Pursuant to the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health has amended Chapter IV of the state Sanitary Code to bring the code into agreement with current state laws, federal housing regulations and industry standards, and to more effectively deal with child lead poisoning cases.

Chapter IV Lead Poisoning Control

4:001. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Abate—to remove, isolate, cover with permanently affixed lead-free covering incapable of being readily chewed through, pierced, torn or removed, or to otherwise make inaccessible to children or other persons, sources of lead contamination.

Painting over lead-based paint with nonlead paint shall not constitute abatement; however, liquid encapsulant formulated and warranted by the manufacturer for such purpose may be used. Contaminated soil may be covered with uncontaminated topsoil or vegetation, if approved by the state health officer.

Chewable Surface—shall include, but not be limited to, such surfaces as window sills, window frames, door frames, handrails, toys, furniture, and other appurtenances offering a biting surface to a child or other person.

Child—as used in this chapter shall mean a child under 6 years of age.

Dwelling—a building or structure occupied or designed or intended to be occupied as a place of human habitation and use, and construed to include any accessory building or structure belonging thereto or usually enjoined therewith.

Dwelling Unit—any room or group of rooms or other interior area of a dwelling designed or used for human habitation.

Exposed Surface—all surfaces of a premises which are readily accessible to any person. Such surfaces include structural components, walls, and siding from floor or ground level to a vertical distance of at least five feet. Any area subject to contamination from flaking, peeling or chalking lead based materials is also considered an exposed surface.

Lead Contamination—shall include: paint or similar coating material, putty, plaster or other composition material, on an exposed surface or chewable surface, which contains ≥ 0.5 percent lead by weight as determined by laboratory analysis or ≥ 1.0 milligram per square centimeter of surface area as measured by X-ray fluorescence or equivalent method; drinking water, dust, or soil which contains a level of lead which, in the judgment of the state health officer, is sufficient to be a source of lead poisoning to children or other persons; any object or material which, in the judgment of the State Health Officer, can be a source of lead ingestion or inhalation.

Lead Poisoning—a blood lead level hazardous to health as established by the state health officer.

Occupant—any person living, sleeping, cooking, eating in or having actual possession of a dwelling or dwelling unit.

Operator—any person who has charge, care or control of a building or part thereof in which dwelling units are let.

Other Person—as used in this Chapter shall mean a person, other than a child under 6 years of age, deemed by the state health officer to be at risk of lead poisoning because of mental state, physiological condition, or behavioral traits.

Owner—a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

Premises—a lot, plot or parcel of land or part thereof including all facilities and improvements thereon.

Surface—the outermost layer of the superficial area of a premises.

4:002. Lead contamination shall be considered a health hazard to children or other persons, if said lead contamination exists in or about a dwelling, dwelling unit, household, or other premises which, in the judgment of the state health officer, children or other persons visit with such frequency or duration as to create significant risk of lead poisoning.

4:003. All day care facilities or institutions in which children or other persons commonly reside or are cared for shall be maintained free of lead contamination.

4:004. When the state health officer is informed of a case of lead poisoning, he shall cause to have inspected the dwelling in which the person with lead poisoning resides, or has recently resided, if the occupants of such dwelling consent, after reasonable notice, to such inspection. The state health officer may, as he deems necessary, cause to have inspected other residences or premises which the person with lead poisoning frequents.

4:005. The purpose of such inspection shall be to identify possible sources of lead poisoning. The inspection may include: *in situ* testing with an X-ray fluorescence analyzer or other method approved by the state health officer; collection of paint, dust, soil, and water samples for laboratory analysis; visual inspection for objects which may contain lead; and interviews with the person with lead poisoning or others with knowledge of the person's behavior and habits.

4:006. When lead contamination is found in a dwelling, the following actions shall be taken:

4:006-1. The inspection findings shall be reported in writing immediately to the parent or guardian, owner and/or operator of the building, all affected tenants, the person having medical management of the lead poisoning case, and the state health officer.

Additionally, any findings as to behavior or habits of the person with lead poisoning which might be causative of lead poisoning shall be reported to the person having medical management.

4:006-2. The parent or guardian of the person with lead poisoning and the owner and/or operator of the building shall be notified that such person and other children should immediately be protected from the lead hazard, either by removal from the dwelling, isolation of the contamination, or other method approved by the state health officer, until the hazard is abated.

4:006-3. A notice shall be prominently posted on the main entrance of the dwelling that the premises contains levels of lead hazardous to children and other persons and that such persons should not occupy the building until the hazard has been abated. Such notice may not be removed until the state health officer determines that the hazard has been abated. Unauthorized intentional removal of the notice shall subject the offender to a fine of \$500 as provided in R.S. 40:1299.(24).(C).

4:006-4. The state health officer shall strongly encourage the examination of all children and other persons residing, or who have recently resided in the dwelling.

4:006-5. If, within 30 days of notification of the existence of lead contamination, the parent or guardian and/or the owner or operator of the building have not taken adequate measures to protect the person with lead poisoning and children and other persons from the lead hazard, they shall be invited to attend a conference at local health unit or other site designated by the state health officer. Invitees shall be given at least 10 days advance notice of the conference; shorter notice may be given if mutually agreeable. Present at the conference shall be: the inspector or other Office of Public Health representative familiar with the inspection results, the person having medical management of the poisoning case or other person familiar with the case, and if possible, a social worker.

4:006-6. The purpose of the conference shall be to inform the invitees of the hazard to the person with lead poisoning, and to children and other persons, the necessity for protecting such persons from the lead hazard, and to develop a plan of action to accomplish such. Such plan should include removal of the persons at risk, abatement of the hazard, or other steps approved by the state health officer. A written or electronic record of the conference shall be kept. At the conclusion of the conference, the invitees shall be requested to sign a statement that they understand the hazard to the child, and that they agree to accomplish the plan of action by a mutually agreed upon date. Such statement shall be made part of the conference record.

4:006-7. If, at any time, the state health officer determines that a child with lead poisoning and other children in the family are at risk and are likely to remain so without intervention beyond that outlined above, he shall notify the appropriate child protection agency and/or other agency of the particulars of the case.

4:007. Lead contamination identified as a result of the aforementioned inspection shall not be considered abated until verified by a reinspection authorized by the state health officer.

9608#030

Secretary